

REMARKS

Claims 1-20 were originally submitted.

Claim 2 has been cancelled without prejudice.

Claims 1, 3, 6-9, 12, 14, 16, 17, 19 are currently amended.

Claims 21-25 have been added.

Claims 1 and 3-25 remain in this application.

35 U.S.C. §103

Claims 1, 8-10, 12-13, and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,754,783 to Mendelson et al (Mendelson). Applicants respectfully traverse the rejection of the claims.

Amended independent claim 1 recites in part “motion capture data” and “motion capture data stream”.

Mendelson fails to teach or suggest the method of claim 1. Mendelson describes a video server that generates a transport stream that is transported at a constant bit rate. (See abstract of Mendelson). The transport stream provides video content. The Examiner states that "secondary content (video text/images, etc.) can at least be interpreted as suggestive of motion data since it is displayed as video/movie type stream. However, such video/movie content is not suggestive of positional data and particularly motion capture data as recited in claim 1.

Accordingly, Mcndelson does not teach every element of claim 1, and the rejection of claim 1 is therefore improper. Accordingly, Applicants respectfully request that the §103 rejection of claim 1 be withdrawn.

1 **Claims 8-10, 12-13** are allowable based at the least on their dependency on
2 claim 1. Accordingly, Applicants respectfully request that the §103 rejection of
3 claims 8-10, 12-13 be withdrawn.

4 **Amended independent claim 16** recites in part “three-dimensional motion
5 data”. As discussed above, Mendelson is directed to a video content which the
6 Examiner interprets as video/movie content. Such video/movie is not positional
7 motion data and specifically does not teach or suggest three-dimensional motion
8 data.

9 Accordingly, Mendelson does not teach every element of claim 16, and the
10 rejection of claim 16 is therefore improper. Accordingly, Applicants respectfully
11 request that the §103 rejection of claim 1 be withdrawn.

12
13 **Claim 3** is rejected under 35 U.S.C. §103(a) as being unpatentable over
14 Mendelson in view of U.S. Patent No. 5,642,171 to Baumgartner et al
15 (Baumgartner).

16 **Claim 3** depends from claim 1 and benefits from the arguments in support
17 of claim 1. Baumgartner is cited for teaching “a method whereby a current video
18 frame number is subtracted from a current audio frame number to determine if the
19 audio is too far ahead of the video”. However, the combination of Mendelson and
20 Baumgartner does not teach or suggest all the elements of claim 3. Applicants
21 respectfully request that the §103 rejection of claim 3 be withdrawn.
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1 Claims 4, 14-15, 18 are rejected under 35 U.S.C. §103(a) as being
2 unpatentable over Mendelson in view of Shibata, Y., "Media Synchronization
3 Protocols for Packet Audio-Video System on Multimedia Information Networks",
4 IEEE, January 3-6, 1995, pp. 594-601 (Shibata).

5 Claim 4 depends from claim 1 and benefits from the arguments in support
6 of claim 1. Shibata is cited for teaching "a method whereby audio data is sent
7 from the video server to the client station only during a talk spurt, with constant
8 frame rates occurring during periods of audio silence". However, the combination
9 of Mendelson and Shibata does not teach or suggest all the elements of claim 4.
10 Applicants respectfully request that the §103 rejection of claim 4 be withdrawn.

11 Amended independent claim 14 recites in part "three-dimensional data".
12 As discussed above in support of claim 16 Mendelson fails to teach or suggest
13 "three-dimensional data".

14 Shibata is cited for teaching "a method whereby audio data is sent from the
15 video server to the client station only during a talk spurt, with constant frame rates
16 occurring during periods of audio silence". However, the combination of
17 Mendelson and Shibata does not teach or suggest all the elements of claim 14.
18 Applicants respectfully request that the §103 rejection of claim 14 be withdrawn.

19 Claim 15 is allowable based at the least on its dependency on claim 14.
20 Accordingly, Applicants respectfully request that the §103 rejection of claim 15 be
21 withdrawn.

22 Claim 18 depends from claim 16 and benefits from the arguments in
23 support of claim 16. Shibata is cited for teaching "a method whereby audio data is
24 sent from the video server to the client station only during a talk spurt, with
25 constant frame rates occurring during periods of audio silence". However, the

1 combination of Mendelson and Shibata does not teach or suggest all the elements
2 of claim 18. Applicants respectfully request that the §103 rejection of claim 18 be
3 withdrawn.

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5 Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over
6 Mendelson in view of U.S. Patent No. 5,822,537 to Katseff et al (Katseff).

7 Claim 5 depends from claim 1 and benefits from the arguments in support
8 of claim 1. Katseff is cited for teaching "a method whereby audio data is sent
9 from the video server to the client station only during a talk spurt, with constant
10 frame rates occurring during periods of audio silence". However, the combination
11 of Mendelson and Katseff does not teach or suggest all the elements of claim 5.
12 Applicants respectfully request that the §103 rejection of claim 5 be withdrawn.

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14 Claims 6, 7, 11, 17, 19 are rejected under 35 U.S.C. §103(a) as being
15 unpatentable over Mendelson in view of U.S. Patent No. 5,950, 202 to Durward et
16 al (Durward).

17 Claims 6, 7, 11 depend from claim 1 and benefit from the arguments in
18 support of claim 1. Durward is cited for teaching "a method whereby updated
19 positional data from a person's head position sensor is mapped and used to
20 determine the position of a virtual being defined for that user, communicating
21 graphical data to the user via database data". However, the combination of
22 Mendelson and Durward does not teach or suggest all the elements of claims 6, 7,
23 and 11. Applicants respectfully request that the §103 rejection of claim 6, 7, 11 be
24 withdrawn.

1 **Claim 17** depends from claim 16 and benefits from the arguments in
2 support of claim 16. Durward is cited for teaching “a method whereby updated
3 positional data from a person’s head position sensor is mapped and used to
4 determine the position of a virtual being defined for that user, communicating
5 graphical data to the user via database data”. However, the combination of
6 Mendelson and Durward does not teach or suggest all the elements of claim 17.
7 Applicants respectfully request that the §103 rejection of claim 17 be withdrawn.
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9 **Amended independent claim 19** recites in part “motion capture data”. As
10 discussed above in support of claim 1 Mendelson fails to teach or suggest “motion
11 capture data”.

12 The Office admits that Mendelson does not teach “motion data mapped to
13 control movement of a virtual figure displayed in a scene at a client”, and relies on
14 Durward as teaching “a method whereby updated positional data from a person’s
15 head position sensor is mapped and used to determine the position of a virtual
16 being defined for that user, communicating graphical data to the user via database
17 data”. The combination of Mendelson and Durward do not teach every element of
18 claim 19, and the rejection of claim 19 is therefore improper. Accordingly,
19 Applicants respectfully request that the §103 rejection of claim 19 be withdrawn.
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21 **Claim 20** is rejected under 35 U.S.C. §103 as being unpatentable over
22 Mendelson, Baumgartner, and Durward.

23 **Independent claim 20** recites in part “three-dimensional motion data”. As
24 discussed above in support of claim 16 Mendelson fails to teach or suggest “three-
25 dimensional data”.

1 The Office argues that claim 20 incorporates substantially similar subject
2 matter as claims 1, 3, 10, 11; however, claim 20 recites elements that are different
3 than claims 1, 3, 10, 11 which the Office has not addressed as being taught or
4 suggested by Mendelson. In specific, the Office does not address where in
5 Mendelson, or any other references the following elements are taught or suggested:
6 "calculating a delay through the server for a frame of data on each of the streams;
7 calculating a difference between the delay for the audio stream and the motion data
8 stream to determine which of the two streams is faster". Furthermore, claim 20
9 recites "variably buffering a faster of the streams to synchronize the audio stream
10 and the three-dimensional motion data stream resulting in two output streams
11 having synchronized data frames". As discussed above, Mendelson is directed to a
12 video server that maintains a constant bit rate transmission of a single transport
13 stream, by interleaving when necessary secondary content data and/or stuffing bit
14 content with primary content. Mendelson does not teach or suggest "variably
15 buffering a faster of the streams to synchronize the audio stream and the three-
16 dimensional motion data stream resulting in two output streams having
17 synchronized data frames".

18 The combination of Mendelson, Baumgartner, and Durward do not teach
19 every element of claim 20, and the rejection of claim 20 is therefore improper.
20 Accordingly, Applicants respectfully request the §103 rejection of claim 20 be
21 withdrawn.

22
23 Claims 21-25 have been added, and depend from claims directed to either
24 motion capture data or three-dimensional data. Claims 21-25 in particular further
25 described "sensor data" that is not taught in the cited references.

CONCLUSION

All pending claims 1, 3-25 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: 6/1/05By: 

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